

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
ON
MONDAY, NOVEMBER 3, 2014, AT 9:30 AM

Present: Chair John Naimo, Steve Robles, and Patrick Wu

1. **Call to Order.**
2. **Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.**

No members of the public addressed the Claims Board.

3. **Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).**

- a. **Thomas Ward v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 499 367

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee of the Department of Public Health.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$40,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

**b. Mark Brandon Anderson v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. SC 113 406**

This lawsuit arises from alleged injuries sustained in a Fire Department fire engine collision with a bicyclist.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$30,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

**c. Joel Ruben Fonseca v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. KC 065 323**

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Deputy and a motorcyclist.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$299,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

**d. Aldie Darnell Henry v. County of Los Angeles, et al.
United States District Court Case No. CV 13-00394**

This lawsuit concerns allegations of false arrest and excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$450,000.

Vote: Ayes: 2 – John Naimo and Steve Robles

Abstentions: 1 – Patrick Wu

[See Supporting Documents](#)

e. **Derek Griscavage v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-10721

This lawsuit concerns allegations of the use of excessive force by Sheriff's Deputies on an inmate while in the custody of the Sheriff's Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$350,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

4. **Report of actions taken in Closed Session.**

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. **Approval of the minutes of the October 20, 2014, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

7. **Adjournment.**

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Thomas Ward v. County of Los Angeles, et al.
CASE NUMBER	BC499367
COURT	Los Angeles Superior Court, Central District
DATE FILED	January 22, 2013
COUNTY DEPARTMENT	Department of Public Health
PROPOSED SETTLEMENT AMOUNT	\$ 40,000
ATTORNEY FOR PLAINTIFF	Steven V. Philippi, Esq. PHILIPPI & NUTT
COUNTY COUNSEL ATTORNEY	Joanne Nielsen, Principal Deputy County Counsel.
NATURE OF CASE	A County employee, driving his personal vehicle while in the course and scope of his employment, rear-ended Plaintiff while they were traveling in stop-and-go traffic on the 10 freeway. Plaintiff claims injuries and damages as a result of the accident.
PAID ATTORNEY FEES, TO DATE	\$ 42,743
PAID COSTS, TO DATE	\$ 10,890

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Mark Brandon Anderson v. County of Los Angeles, et al.
CASE NUMBER	SC113406
COURT	Los Angeles County Superior Court
DATE FILED	July 15, 2011
COUNTY DEPARTMENT	Fire
PROPOSED SETTLEMENT AMOUNT	\$ 30,000
ATTORNEY FOR PLAINTIFF	Sef Krell, Byron T. Ball, and Bradley I. Kramer
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a fire engine versus bicycle collision that occurred on August 21, 2010, on Fernwood Pacific Drive in Topanga when a Los Angeles County fire engine driven by a Fire Department firefighter collided with a bicycle ridden by Mark Brandon Anderson. Mr. Anderson claims injuries as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ \$102,203
PAID COSTS, TO DATE	\$ 19,230



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	August 21, 2010
Briefly provide a description of the incident/event:	<p>Plaintiff Anderson, a regular participant in Ironman competitions, was riding downhill on his bicycle along with another bicyclist on Fernwood Pacific Drive in the unincorporated Topanga area. This roadway is a winding residential street, with one lane in each of the northbound and southbound directions that are separated by a single, broken, yellow centerline. At this section of roadway, the northbound downhill lane curves to the right and the street is posted with a 15 miles-per-hour advisory speed warning sign.</p> <p>At the same time plaintiff was coming downhill, Los Angeles County Fire Engine 69 ("Engine 69") and other Department vehicles were traveling uphill in the southbound direction (non-emergency). Engine 69 was entirely in the southbound lane as it rounded the left turn curve. The fire engine crew members saw plaintiff Anderson and the bicyclist behind him approach the curve at a fast speed. As they started into the curve, the bicyclists appeared startled by the Engine 69. The second bicyclist rear-ended plaintiff Anderson, who then fell over his handle bars. Engine 69 crew members state there was no physical contact between plaintiff Anderson and the fire truck.</p> <p>Plaintiff Anderson states he was traveling downhill at approximately 25 to 30 miles-per-hour on the left side of the lane when he saw Engine 69 emerge from the curve in the uphill lane. He contends that Engine 69 crossed over the yellow centerline by four to five feet into his lane and his line of travel. Plaintiff Anderson claims that he then turned right and applied his hand brakes to avoid a collision, but instead slid and collided into the rear tire of Engine 69. He was thrown off of his bike and landed in the roadway.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

Plaintiff Anderson was riding at a speed that was unsafe, in violation of California Vehicle Code 22350.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

There are no corrective actions for this settlement. There have been numerous delayed and changed trial dates, some at the request of the plaintiff. For the last trial date, September 3, 2014, the plaintiff was asking for a delay taking the trial date into 2015. We objected to the further delay and the plaintiff appeared to have lost interest in the case. In order to prevent additional legal costs for the Department and dispose of this matter in order to avoid all risks, we agreed to a nominal settlement.

3. Are the corrective actions addressing department-wide system issues?

- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)
Michael Kranther, Division Chief

Signature:

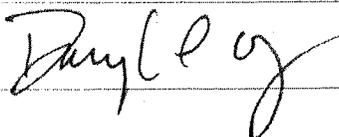


Date:

10/14/14

Name: (Department Head)
Fire Chief Daryl L. Osby

Signature:



Date:

10/15/14

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input checked="" type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
Destiny Castro	
Signature:	Date:
Destiny Castro	10/9/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Joel Ruben Fonseca v. County of Los Angeles, et al.
CASE NUMBER	KC065323
COURT	Los Angeles County Superior Court
DATE FILED	December 26, 2012
COUNTY DEPARTMENT	Sheriff
PROPOSED SETTLEMENT AMOUNT	\$ 299,000
ATTORNEY FOR PLAINTIFF	Brian Brandt
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a car versus motorcycle collision that occurred on October 9, 2012, on the westbound Foothill Freeway approaching Sunflower Avenue in Glendora when a Sheriff's patrol car driven by a Sheriff's Deputy collided with a motorcycle driven by Joel Ruben Fonseca. Mr. Fonseca claims injuries as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 29,838
PAID COSTS, TO DATE	\$ 16,955



Summary Corrective Action Plan

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Date of incident/event:	Tuesday, October 9, 2012; approximately 6:20 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Joel Ruben Fonseca v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-037</p> <p>On Tuesday, October 9, 2012, at approximately 6:20 a.m., a Los Angeles County deputy sheriff was driving a standard black and white, County of Los Angeles-owned patrol vehicle west on the I-210 Freeway, west of Lone Hill Avenue, Glendora, when the vehicle he was driving collided with the plaintiff's motorcycle.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The traffic collision was thoroughly investigated by representatives of the California Highway Patrol and the Los Angeles County Sheriff's Department's Community Oriented Policing Bureau. Their investigations concluded the deputy sheriff caused the collision by violating California Vehicle Code section 21658, Laned Roadways.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. As a result, appropriate administrative action was imposed upon one member of the Los Angeles County Sheriff's Department.

County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?

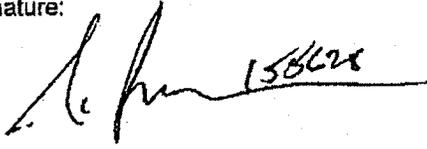
- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



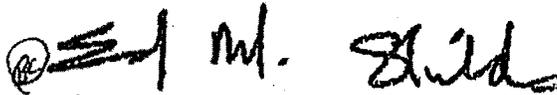
Date:

10-15-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

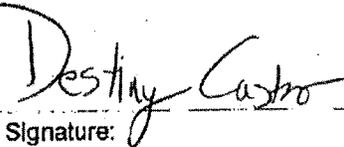
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Chief Executive Office Risk Management Inspector General USE ONLY

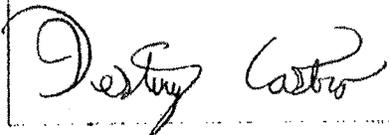
Are the corrective actions applicable to other departments within the County?

- Yes, the corrective actions potentially have County-wide applicability.
 No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)



Signature:



Date:

10/23/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Aldie Darnell Henry vs. County of Los Angeles, et al.
CASE NUMBER	CV 13-00394
COURT	United Stated District Court
DATE FILED	January 18, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 450,000
ATTORNEY FOR PLAINTIFF	John Burton, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>This is a recommendation to settle for \$450,000, the lawsuit filed by Plaintiff Aldie Darnell Henry alleging false arrest and excessive force by Los Angeles County Sheriff's Department Deputies.</p> <p>The Deputies contend that the force used was reasonable and in response to Mr. Henry's resistance.</p> <p>Due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$450,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 122,085
PAID COSTS, TO DATE	\$ 12,654



Summary Corrective Action Plan

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Date of incident/event:	Monday, October 31, 2011; approximately 4:30 p.m.
Briefly provide a description of the incident/event:	<p><u>Aldie Darnell Henry v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-030</p> <p>On Monday, October 31, 2011, at approximately 4:30 p.m., two Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Century Station, were searching for a robbery suspect when they were flagged down by two individuals who directed them to a possible suspect hiding in the restroom of a nearby restaurant.</p> <p>The deputies entered the restroom and found the plaintiff in one of the stalls. The deputy sheriffs instructed the plaintiff several times to step out of the stall. When one of the deputy sheriffs attempted to search the plaintiff, the plaintiff initiated a violent confrontation. During the course of the ensuing struggle, the deputy sheriffs were forced to employ physical force (including the use of a TASER device) to defend themselves and overcome the resistance offered by the plaintiff.</p> <p>The plaintiff was ultimately restrained, handcuffed, and subsequently taken into custody.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident was the plaintiff's violent response to a lawful detention initiated by two members of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was investigated by representatives from the Los Angeles County Sheriff's Department's Century Station. The investigation found that the level of physical force used by the two deputy sheriffs

to overcome the resistance offered by the plaintiff was objectively reasonable, within Department policy, consistent with Department training, and in response to the plaintiff's actions.

No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

3. Are the corrective actions addressing department-wide system issues?

Yes – The corrective actions address department-wide system issues.

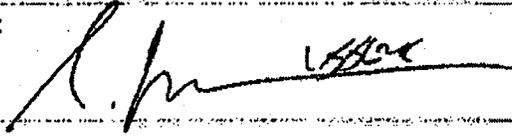
No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Acting Captain
Risk Management Bureau

Signature:



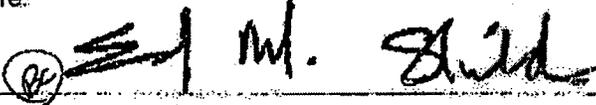
Date:

10-8-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

10/14/14

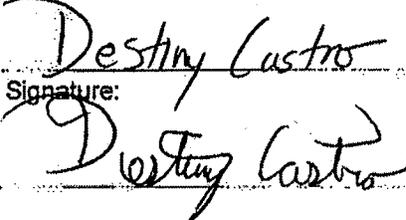
Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

Yes, the corrective actions potentially have County-wide applicability.

No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)



Signature:

Date:

10/20/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Derek Griscavage v. County of Los Angeles, et al.
CASE NUMBER	CV 12-10721
COURT	United States District Court
DATE FILED	December 14, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 350,000
ATTORNEY FOR PLAINTIFF	Dale Galipo, Esq. Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Joseph A. Langton Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$350,000, the lawsuit filed by Derek Griscavage alleging federal civil rights violations at Twin Towers Correctional Facility.</p> <p>Mr. Griscavage alleges that Deputies, without probable cause, used excessive force against him.</p> <p>The Deputies contend that they acted reasonably under the circumstance in light of Mr. Griscavage's assaultive behavior; however, because of the potential for high exposure, and the uncertainties of litigation, a full and final settlement of the case in the amount of \$350,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 63,968
PAID COSTS, TO DATE	\$ 3,050

COUNTY OF LOS ANGELES CLAIMS BOARD
MINUTES OF REGULAR MEETING
October 20, 2014

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Richard Kudo, Joseph Langton, Jonathan McCaverty, Melissa McCaverty, Narbeh Bagdasarian; Department of Public Works: Michael Hays; Sheriff's Department: Lt. Patrick Hunter and Sgt. Albert Schauburger; Department of Health Services: Arun Patel, Roberto Avitia and Jacqueline Lazo; and Outside Counsel: George E. Peterson.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 9:32 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f) below.

4. Report of actions taken in Closed Session.

At 11:20 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Trinidad Frick v. County of Los Angeles
Los Angeles Superior Court Case No. TC 026 792**

This dangerous condition lawsuit arises from an alleged trip and fall on a County-maintained sidewalk in the unincorporated area of the County.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$60,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

b. **H.K., a minor v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-01600

This lawsuit concerns allegations of excessive force and federal civil rights violations when a minor was detained by an off duty Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$35,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

c. **Mario Gollas v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-08742

This lawsuit concerns alleged injuries sustained by Plaintiff when he was bitten by a Sheriff's Department canine.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$35,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

d. **Gabriel Viramontes, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 505 207

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's patrol car driven by a Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$29,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

- e. **Maria Del Rocio Gudino Minchaca v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. MC 023 715

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's patrol car driven by a Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$35,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

- f. **M.W., by and through her Guardian Ad Litem, Michael S. Radcliff v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 483 165

This medical malpractice lawsuit concerns allegations that the care provided by LAC+USC Medical Center to Plaintiff's mother was negligent and resulted in injuries to Plaintiff.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$2,000,000, plus assumption of the Medi-Cal lien in the estimated amount of \$350,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

5. **Approval of the minutes of the October 6, 2014, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 11:23 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson